

**OAK RIDGE BOARD OF ZONING APPEALS  
SPECIAL CALLED BUSINESS MEETING  
MUNICIPAL BUILDING TRAINING ROOM**

**May 30, 2023  
6:00 P.M.**

**AGENDA**

- I. Call to Order
- II. Roll Call
- III. Approval of Order of Agenda
- IV. Approval of Minutes
  - a. March 7, 2023 Meeting
- V. Hearing of Cases
  - a. **Case No. 23-03.** Ralph Smith III, on behalf of JADE Real Estate LLC and Nic Pettit, is requesting a variance to allow a reduced corner lot setback at 689 Emory Valley Road, pursuant to Section 3.05(b) of the Zoning Ordinance.
- VI. Unfinished Business
- VII. New Business
- VIII. Appearance of Citizens (Non-agenda items)
- IX. Announcements
- X. Adjourn

**OAK RIDGE BOARD OF ZONING APPEALS**

**MINUTES**

**Meeting date:** March 7<sup>th</sup>, 2023

**Call to order:** A business meeting of the Oak Ridge Board of Zoning Appeals was held on March 7<sup>th</sup>, 2023. The meeting convened at 6:00p.m. with Ms. Susan Donnelly presiding.

**Members in attendance:** Syd Ball, Keith Craft, David Gengozian, and Susan Donnelly with staff representatives Jennifer Williams and Jacob Smith.

**Members not in attendance:** Roger Petrie

**Approval of Minutes:** A motion to approve the meeting minutes for February 14<sup>th</sup>, 2023 was made by Mr. Gengozian and seconded by Mr. Ball. The motion passed. (4-0)

Ms. Donnelly confirmed that 3 affirmative votes are required for approval.

**Case No. 23-02** Matthew Laxton is requesting a special exception to allow a veterinary clinic to operate at 1030 Oak Ridge Turnpike, pursuant to section 7.04 (c) of the Zoning Ordinance.

Ms. Williams presented the staff report and slides, providing regulatory background and an overview of the application. Mr. Gengozian asked how the City learned the vet clinic was operating. Ms. Williams explained that staff learned of the clinic through the utility process/set-up. Mr. Ball asked why it was brought before the BZA. Ms. Williams explained that the use requires a special exception in the UB-2 District of the Zoning Ordinance.

A motion was made by Mr. Craft in Case 23-02 to allow a special exception for vet clinic at 1030 Oak Ridge Turnpike. The motion was seconded by Mr. Gengozian. The motion passed unanimously. (4-0)

**Unfinished Business:** No unfinished business.

**New Business:** No new business.

**Appearance of Citizens (Non-Agenda Items):** No citizens were present for public comment on non-agenda items.

**Announcements:** Staff noted an upcoming MTAS training on March 30<sup>th</sup> on the Open Records & Meetings Act.

The meeting adjourned at 6:16 PM.

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BZA Secretary

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Date of Approval

City of Oak Ridge  
**BOARD OF ZONING APPEALS**  
Staff Report 23-28  
May 30, 2023

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**Case Number: 23-03**  
**Prepared by: Jennifer Williams**

**Applicant or Agent:** Ralph Smith III  
**Property Location:** 689 Emory Valley Road  
**Zoning Classification:** O-2 Office District  
**Current Use:** Vacant

**Request and Citation:** This request is for a variance from the provisions of **Section 3.05(b)** to allow a reduced corner lot setback.

**Requested Variance:**

Rear/Corner Setback

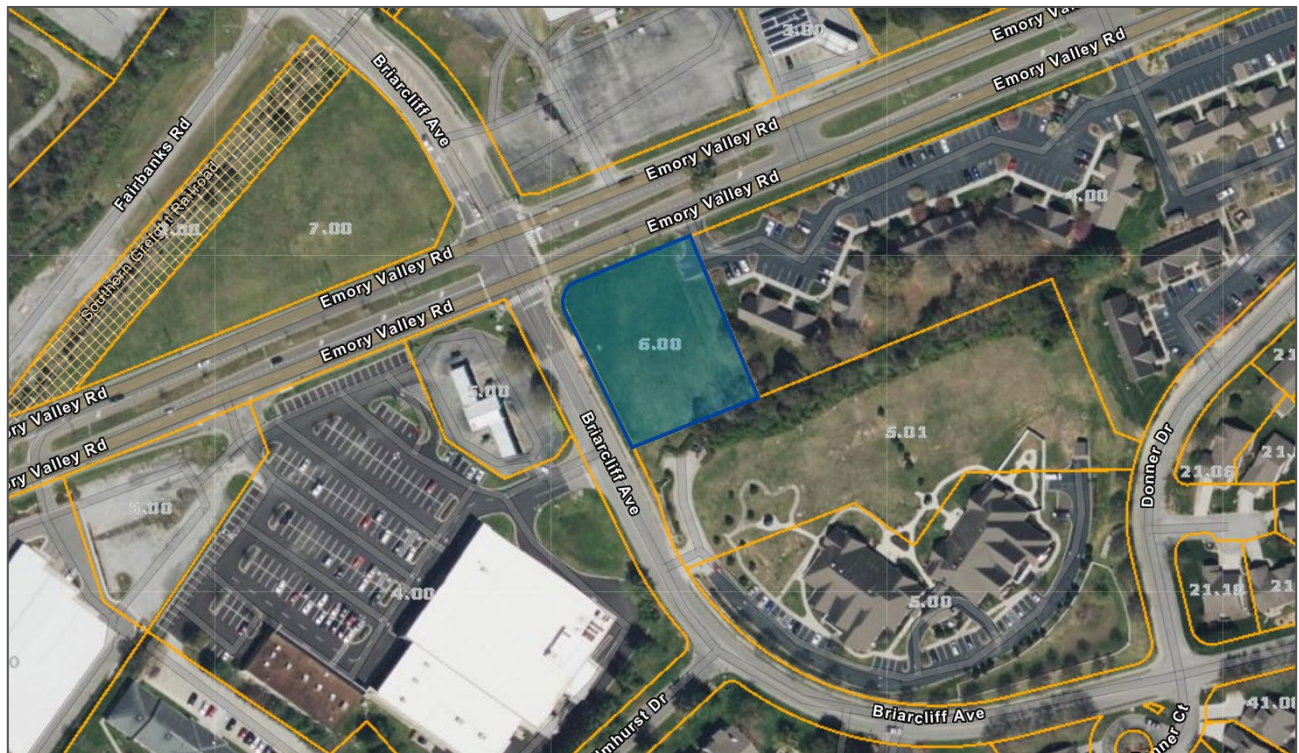
Required: 30'

Proposed: 15'

Variance Requested: 15'

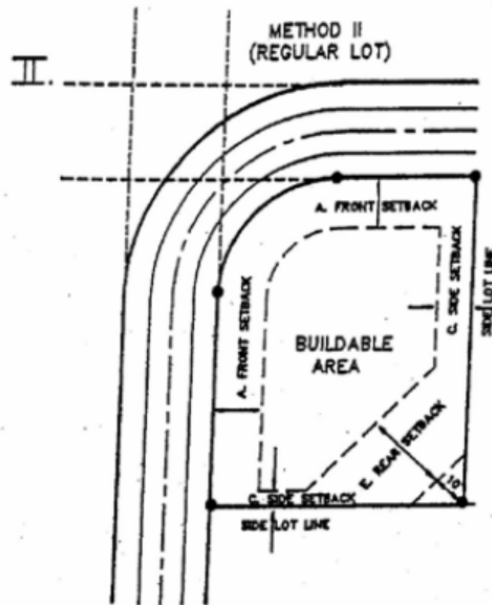
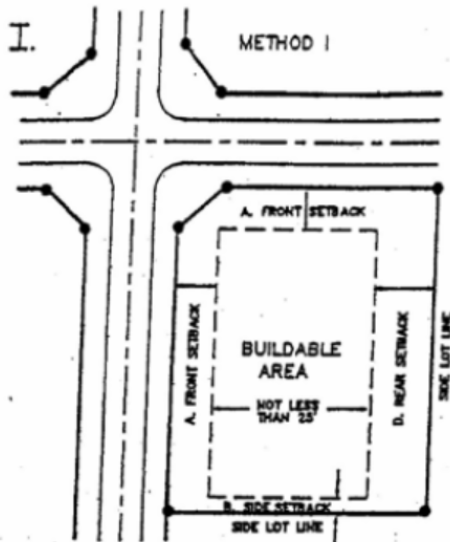
**Project Description:**

Mr. Ralph Smith III, on behalf of property owners JADE Real Estate and Nic Pettit, is applying to the BZA for a setback variance to allow the construction of an office building at 689 Emory Valley Road.



### Applicable Regulations:

**Section 3.05(b)** of the Zoning Ordinance outlines setback requirements for corner lots. Setbacks are typically calculated in accordance with the diagram below. In most cases there is a front setback assessed on both street sides, a side setback on a third side, and a rear setback on the fourth side (Method 1 below).



This property is zoned O-2 Office District, which has a front setback of 30', side setbacks of 15' and a rear setback of 30'. The applicant's request is for a 15' setback on both non-street facing lot lines. Both street facing sides would still meet the required 30' setback.

### Impact and Analysis:

According to **Article 16, Section 16.10 Powers of the Board of Zoning Appeals** of the Oak Ridge Zoning Ordinance, the Board may grant variances when:

"...by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of a regulation enacted under this code would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without impairing the intent and purpose of this code. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building structure, or use it as it may deem reasonable in furtherance of the purpose of this code."

A notable feature of this property is a 15' wide drainage easement that runs through the middle, parallel to Emory Valley Road (see attached survey for exact location). This easement contains a 54" pipe and, coupled with the small size of the lot, significantly constrains this property.

Additional variance criteria are outlined below.

**1. *Was the hardship created by the owner of the property?***

No. The 54" drainage pipe was not placed by the property owner.

**2. *Is the sole hardship on which a variance request is based pecuniary?***

No. An easement on the property is the prohibiting factor in this case.

**3. *Is the variance request contrary to the intent and purposes cited within the comprehensive plan or the zoning ordinance?***

No. The requested setback variance is not less than the side setback of 15'. In addition, the applicant will still be required to plant a vegetative buffer between their development and the property to the south.

**4. *Is the variance request made by the owner of the lot in question or via an authorized representative of the owner?***

Yes. The request is made by the property owner and their representative.

**5. *Is the variance request addressed to the property in question, or to the owner of the subject property?***

The request for a variance is addressed to the property in question. If the 15' easement for the 54" drainage pipe was not in place, there would be no reason for a variance request.

**6. *Has ample material evidence substantiating the facts of the request been presented to the Board of Zoning Appeals?***

Yes, the applicant has provided a survey of the property and proposed plans. The applicant also provided an alternative site layout they considered to avoid a variance request. The alternative layout, however, did not allow the site to meet the City's parking standards.

**7. *Is the variance request unique to the subject property, or is it indicative of a prevalent or widespread condition?***

The variance request is unique to the subject property.

**Staff Recommendation:**

Based on the constraint caused by the 54" drainage pipe and associated easement, staff recommends **approval** of the variance request.

Attachments:

- BZA Application and attachments (provided by applicant)
  1. Application
  2. Letter of Explanation
  3. Site survey
  4. Proposed development layout
  5. Proposed layout and alternative comparison

# CITY OF OAK RIDGE



## BOARD OF ZONING APPEALS

POST OFFICE BOX 1, OAK RIDGE, TENNESSEE 37831-0001

### BOARD OF ZONING APPEALS APPLICATION

All applications for the Board of Zoning Appeals (BZA) shall be filed with the Community Development Office at least 21 days prior to the regularly scheduled BZA meeting in order to be heard by the Board of Zoning Appeals the following month. The following **must** be submitted:

1. **Application fee of \$150.00.** Once staff has verified the application submittal, the application fee can be paid on the City View Portal. The fee includes the cost of advertisement for the meeting.

The applicant will be allowed one continuance/postponement without additional cost. If the applicant postpones or requests a continuance more than once, the applicant is required to pay \$25.00 to the City for the cost of advertising the new meeting date prior to advertising the meeting. If the applicant desires to postpone/continue the case longer than three (3) months past the originally scheduled meeting, the applicant will be required to submit a new application, including a new application fee. **The application fee for an appeal from an administrative decision regarding stormwater management is \$200.00 (Municipal Code Section 14-511).** **\*\*Special Called Meetings require a \$300.00 fee.**

2. A letter of explanation providing details on who, what, where, and why the request is being made, and any additional information that would be helpful as the Board considers the request. Refer to Zoning Ordinance Section 16.10, Power of the Board of Zoning Appeals, for guidance.

3. Documentation to support the request. This may include, but shall not be limited to, a survey or drawing to-scale of the subject property, including the existing and proposed site conditions affecting the request; complete description of proposed uses and improvements to the property; and photographs. Construction drawings and building elevations are required for variance requests for, but not limited to, pools, additions, carports, and accessory buildings. Please note in some instances, foundation surveys may be required.

4. All applications shall have the proper signatures, including the property's owner signature.

Name of Applicant Ralph Smith III (Prof. Land Systems)	Mailing Address of Applicant 205 Lamar Ave CLinton 37716
Phone Number 865.599.1508	Email Ralph@plsurvey.com
Applicant is: <input type="checkbox"/> Owner <input type="checkbox"/> Lessee <input type="checkbox"/> Contractor <input type="checkbox"/> Architect/Engineer <input checked="" type="checkbox"/> Surveyor	
Name of Owner ADE Real Estate	Mailing Address of Owner 3248 TAZWELL PIKE, SUITE 101

%Nic Pettit <dr.pettit@fcendo.com> KNOXVILLE TN 37918

In making this request the applicant states that the information given is, to the best of his/her knowledge, true and accurate. It is understood and agreed by the applicant that any error, misstatement or misrepresentation of fact, either with or without intention on his/her part, shall constitute sufficient grounds for denial of this request.

Signature of Owner

Date

Signature of Applicant (if different)

*[Signature]*  
27 APRIL 2023  
*[Signature]*

**NOTE: Board of Zoning Appeals meets on the second Tuesday of each month at 6:00 p.m. in the Courtroom of the Municipal Building.**

Completed applications will be heard at a meeting of the Board of Zoning Appeals, and the applicant or their authorized representative is required to attend. If you have any questions regarding the aforementioned requirements, about the eligibility for review by the BZA, or regarding the conduct of the BZA meetings, please contact the Community Development Department at (865) 425-3531.

Friday, April 28, 2023

Re: Explanation of variance application

Dear Board,

This site plan and architectural plans have been in the works for some time now and the design team was under the impression that we would be subject to 15-foot side setbacks for this corner lot. It was recently brought to our attention that this is not the case and that current standards require that one lot line be named a rear line, subject to a 30-foot setback. We are asking for the Board of Zoning Appeals to please grant a variance from 30-feet down to 15' feet to facilitate our design. The hardship in this case is that we are unable to shift the building north due to a large drainage pipe and drainage easement that nearly cuts the site in half and severely limits our options.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Ralph V. Smith, III". The signature is written in a cursive style with a small dot above the "i" in "Smith".

Ralph V. Smith, III

Professional Land Systems







- X

SITE KEYED NOTES
- 1

LIGHT DUTY ASPHALT PAVING, SEE DETAIL 1/C1.1
- 2

HEAVY DUTY ASPHALT PAVING, SEE DETAIL 2/C1.1
- 3

CONCRETE PAVEMENT, SEE DETAIL 3/C1.1
- 4

LANDSCAPE
- 5

LAWN
- 6

CHAIN LINK FENCE, PER OWNER
- 7

SWING GATE, PER OWNER
- 8

EXTRUDED CONCRETE CURB, SWEEP DOWN 3:1 AT ENDS, SEE DETAIL 4/C1.1
- 9

TURNDOWN SIDEWALK, SEE DETAIL 5/C1.1
- 10

POLE MOUNTED ACCESSIBLE SIGN, SEE DETAIL 6/C1.1
- 11

ACCESSIBLE SYMBOL, SEE DETAIL 7/C1.1
- 12

4" WIDE PAINTED WHITE STRIPE
- 13

DUMPSTER PAD, SCREEN BY OWNER

GENERAL NOTES

ADEQUATE DRAINAGE, EROSION AND SEDIMENT CONTROL MEASURES, BEST MANAGEMENT PRACTICES, AND/OR OTHER STORMWATER MANAGEMENT FACILITIES SHALL BE PROVIDED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION. DAMAGES TO ADJACENT PROPERTY AND/OR THE CONSTRUCTION SITE CAUSED BY THE CONTRACTOR'S OR PROPERTY OWNER'S FAILURE TO PROVIDE AND MAINTAIN ADEQUATE DRAINAGE AND EROSION/SEDIMENT CONTROL FOR THE CONSTRUCTION AREA SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER AND/OR CONTRACTOR.

THIS SITE IS A PRIORITY CONSTRUCTION ACTIVITY

THE CONTRACTOR IS SOLELY RESPONSIBLE FOR ALL JOBSITE SAFETY, INCLUDING BUT NOT LIMITED TO COMPLIANCE WITH ALL APPLICABLE OSHA REGULATIONS.

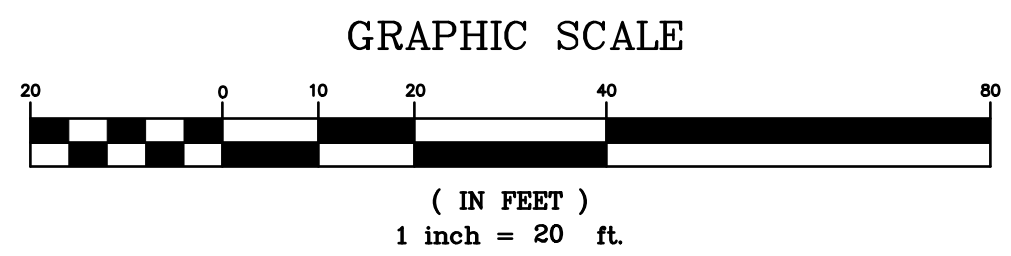
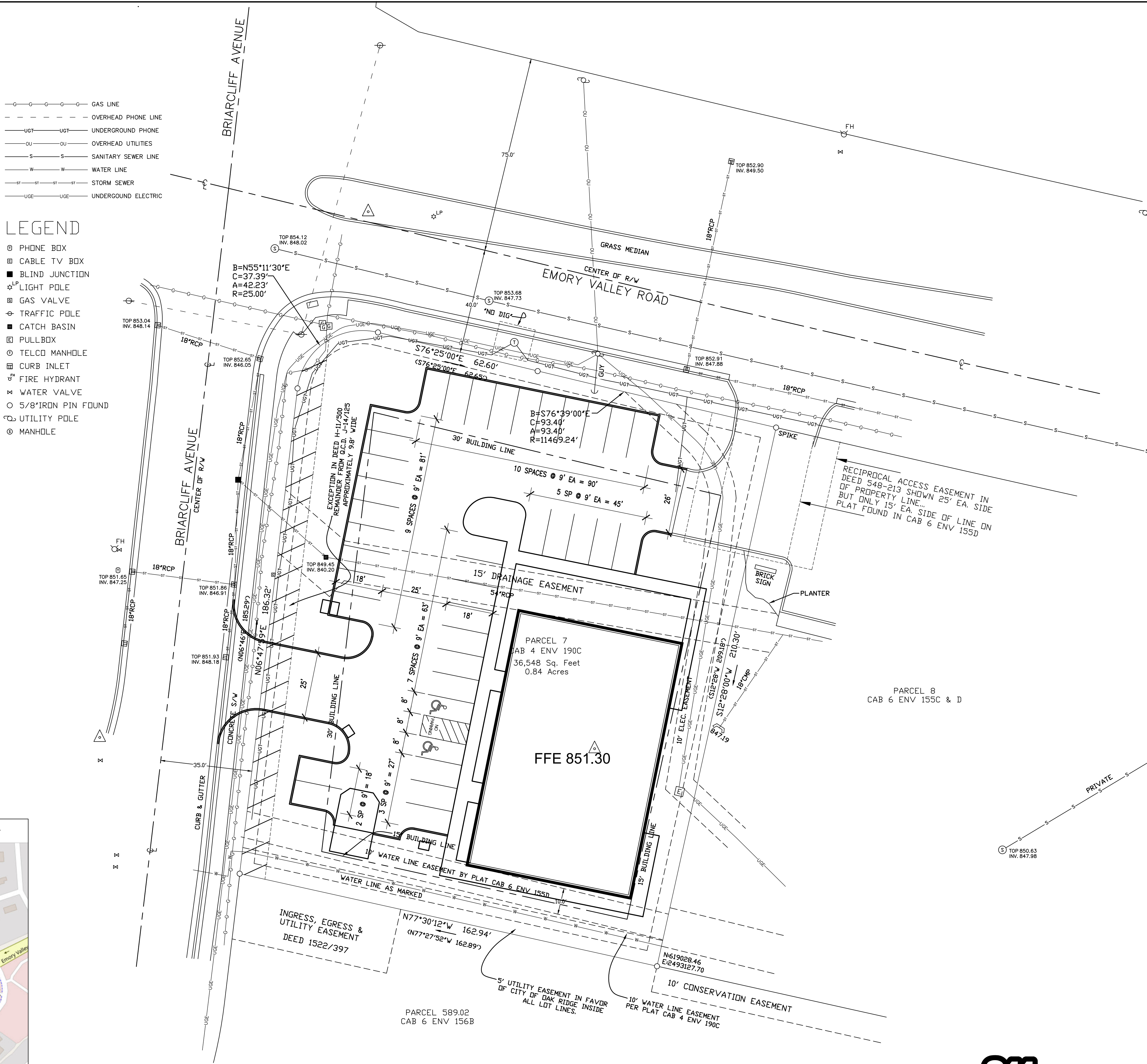
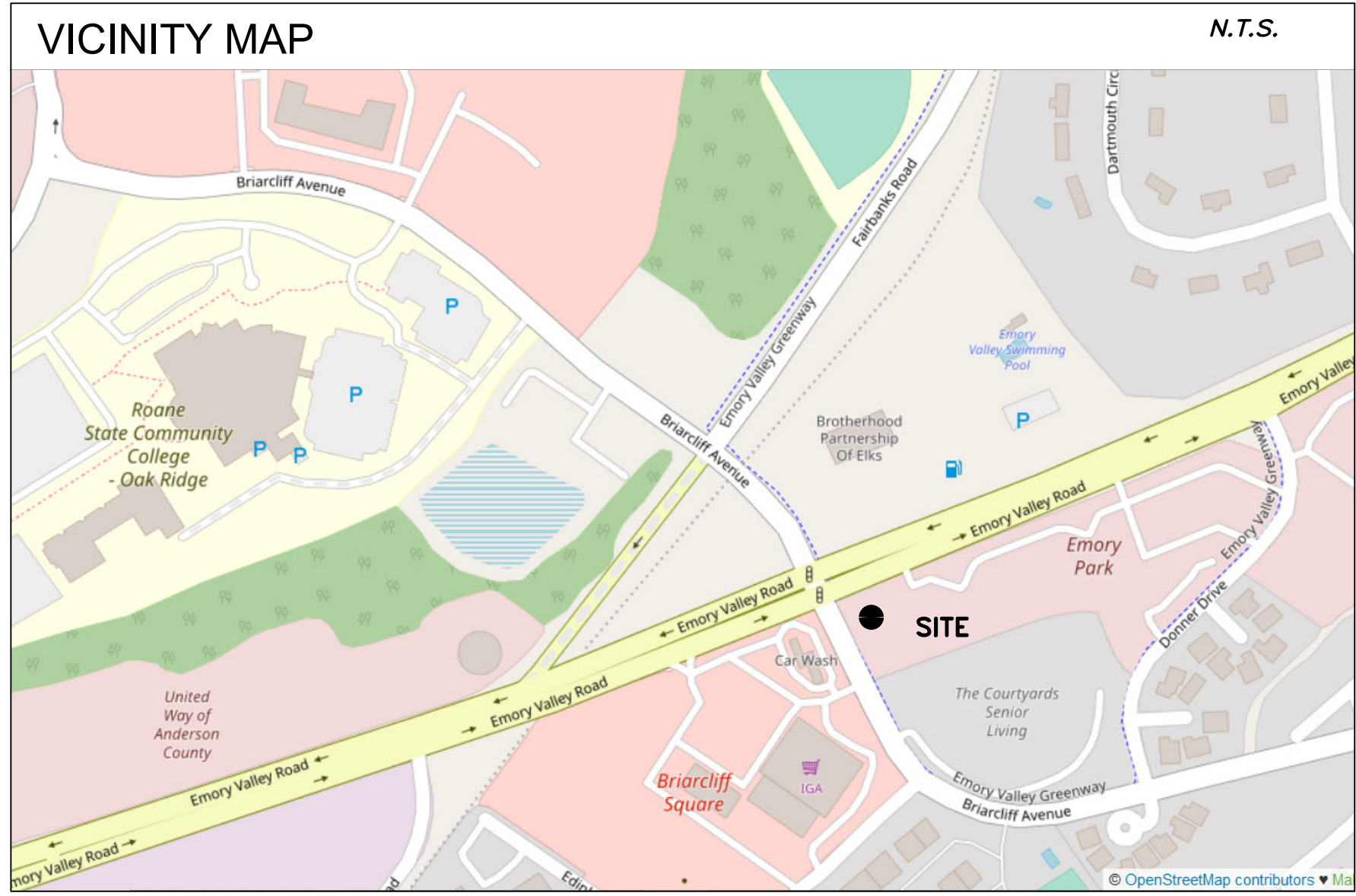
CONTRACTOR IS TO COORDINATE THE SITE WALL PLANS WITH THE SITE LAYOUT PLAN AND GRADING PLAN. VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES BEFORE START OF CONSTRUCTION

COORDINATE ALL UTILITY MODIFICATIONS WITH LOCAL UTILITY BOARD.

LOCATE EXISTING WATER LINE AND SANITARY SEWER LINE BEFORE CONSTRUCTION.

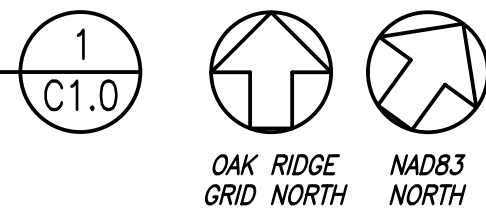
PLAN RELOCATION OF EXISTING OVERHEAD UTILITIES AND WATER, SEWER LINES BEFORE EXCAVATION.

EXISTING CONDITIONS AND PROPERTY LINES BY OTHERS



LAYOUT PLAN

SCALE: 1" = 20'-0"



MARK V GRAHAM

ENGINEERING CONSULTANTS, LLC

PHONE: 865 712-9210

MarkV.Graham@gmail.com

PO BOX 53131

KNOXVILLE, TN 37950

REVISONS	NO.	DESCRIPTION	DATE

OAK RIDGE ENDODONTIC

689 EMORY VALLEY ROAD

OAK RIDGE, TENNESSEE

LAYOUT PLAN

DATE:

07/11/22

C1.0

SHEET 1 OF 5

PROJ NO.

22136



OAK RIDGE  
ENDODONTICS

Oak Ridge, TN

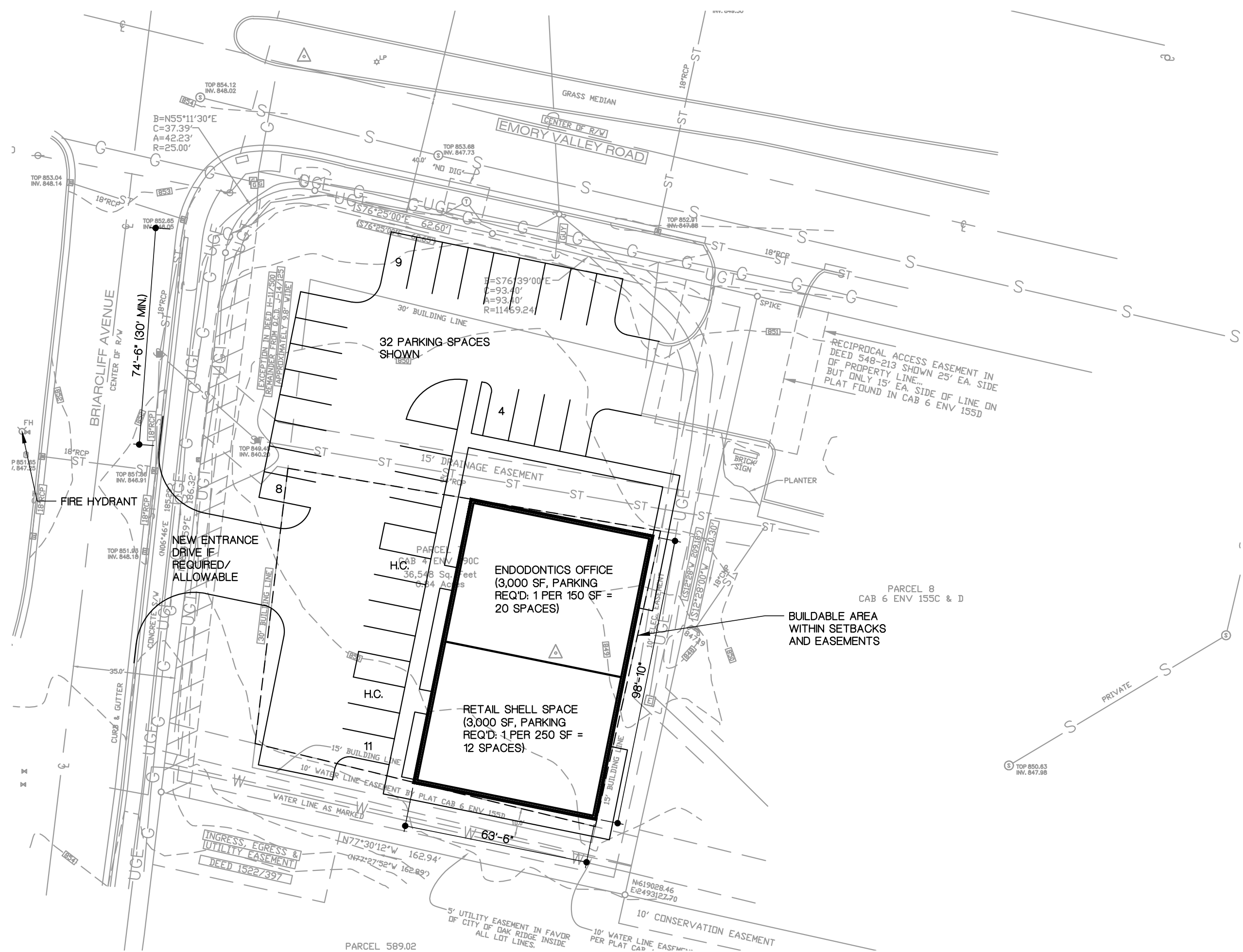
ADDRESS: 689 EMORY VALLEY RD.

PRELIMINARY PARKING STUDY ONLY - NOT AN ENGINEERING  
DRAWING

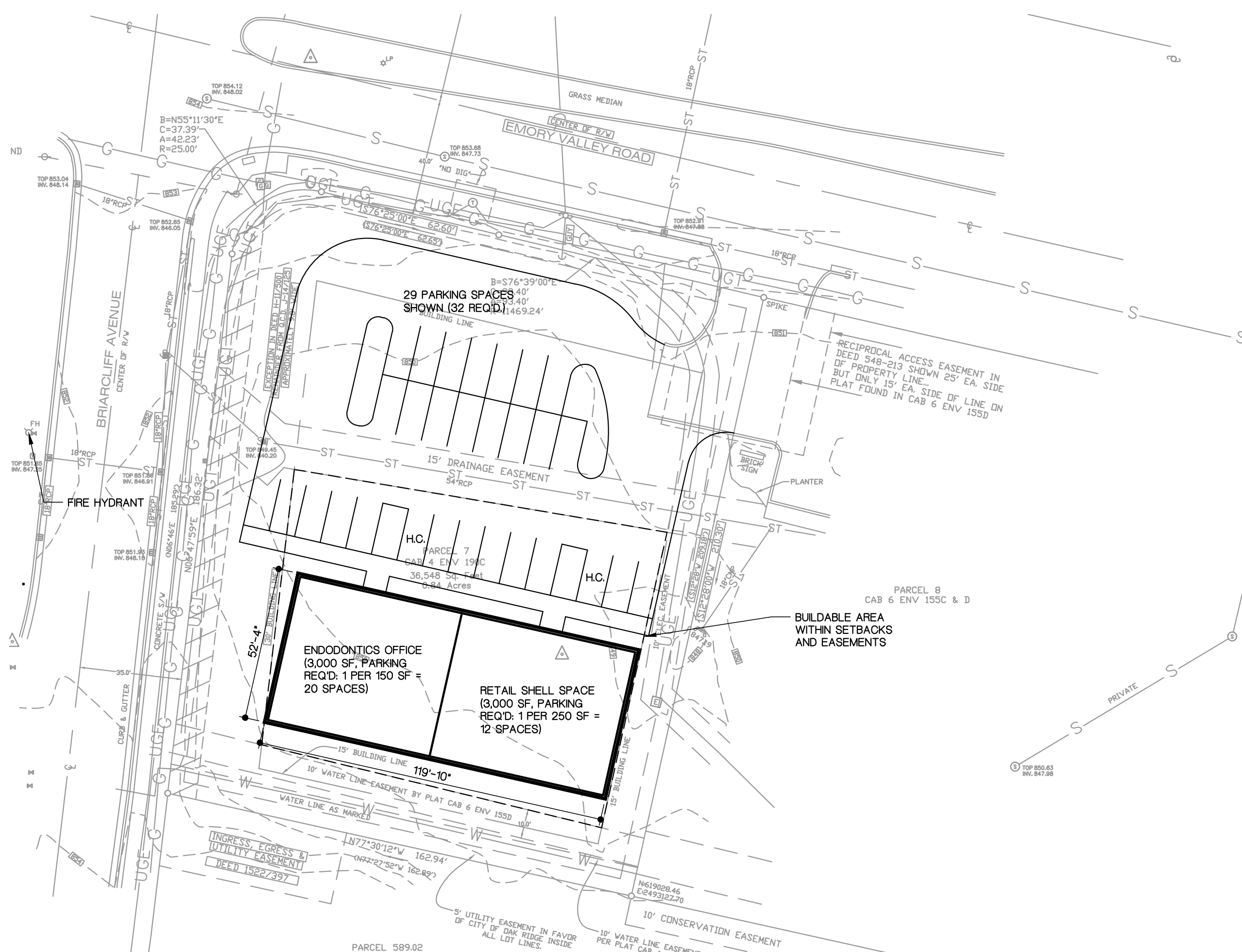
PARKING SPACE REQUIREMENTS CALCULATED PER 1102,  
SECTION F OF OAK RIDGE ZONING ORDINANCE.

THIS DIAGRAM WAS COMPILED FROM SURVEY AND  
PRELIMINARY INFORMATION FURNISHED BY OWNER.  
DIAGRAM IS NOT A SITE PLAN AND IS NOT TO BE  
USED FOR CONSTRUCTION.

EXISTING CONTOURS INDICATED. GRADING, PARKING, AND  
STORMWATER MANAGEMENT DESIGN TO BE DEVELOPED BY  
CIVIL ENGINEER.



**1 SITE LAYOUT A**  
1/32" = 1'-0"  
PRELIMINARY  
FOR REVIEW ONLY



**2 SITE LAYOUT B**  
1/32" = 1'-0"  
PRELIMINARY  
FOR REVIEW ONLY

SCHEMATIC SITE  
FEASIBILITY STUDY

PRELIMINARY  
- NOT FOR  
CONSTRUCTION